

Please amend the application as follows:

*Please amend Claims 1, 3-5, 7, 8, 10-13, 15-17, 19 and 20. Amendments to the claims are indicated in the attached "Marked Up Version of Amendments" (pages i - v).*

In the Claims

1. (Amended) A method for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the method comprising:
  - determining, by a management program, if a user application program is executing on the partitioned network cluster;
  - querying, by the management program, the user application program for the figure of merit;
  - determining, by the user application program, the figure of merit; and
  - returning the figure of merit from the user application program to the management program.
3. (Amended) The method of Claim 2 wherein assessing merit criteria includes:
  - determining the number of users executing the user application program from the member node.
4. (Amended) The method of Claim 2 wherein assessing merit criteria includes:
  - determining an execution priority of the user application program.
5. (Amended) The method of Claim 1 wherein querying the user application program includes:
  - providing a proposed figure of merit.
7. (Amended) A method for resolving a partitioned computer network cluster including multiple cluster partitions, the method comprising:
  - evaluating a partition figure of merit for each cluster partition including:
  - determining that a user application program is executing on the cluster partition at a member node from a member node;

requesting, from the user application program a node figure of merit, the figure of merit indicating a value to the user application program for the member node to continue operation;

providing, from the user application program, the requested node figure of merit; and

evaluating the provided node figure of merit to determine to partition figure of merit;

selecting, in response to the partition figure of merit, a cluster partition to operate as the network cluster; and

halting operation of the remaining cluster partitions.

8. (Amended) The method of Claim 7 wherein requesting a node figure of merit further includes:

providing, from a cluster manager executing on the member node, a proposed node figure of merit.

10. (Amended) The method of Claim 9 wherein assessing merit criteria includes:  
determining a number of users executing the user application program from the member node.

11. (Amended) The method of Claim 9 wherein assessing merit criteria includes:  
determining an execution priority of the user application program.

12. (Amended) A computer program product for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the computer program product comprising a computer usable medium having computer readable code thereon, including program code which:  
determines if a user application program is executing on the partitioned network cluster; and  
queries the user application program executing on the partitioned network cluster for the figure of merit.

13. (Amended) A system for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the system comprising:
  - a means for determining, by a management program, that an application program is executing on the partitioned network cluster;
  - a means for querying, by the management program, the user application program for the figure of merit;
  - a means for determining, by the user application program, the figure of merit; and
  - a means for returning the figure of merit from the user application program to the management program.
15. (Amended) The system of Claim 14 wherein a means for assessing merit criteria includes:
  - a means for determining a number of users executing the user application program from the member node.
16. (Amended) The system of Claim 14 wherein a means for assessing merit criteria includes:
  - a means for determining an execution priority of the user application program.
17. (Amended) The system of Claim 13 wherein a means for querying the user application program includes:
  - a means for providing a proposed figure of merit.
19. (Amended) A method for providing a figure of merit indicating a value for a member node of a partitioned network cluster to continue operating, the method comprising:
  - determining, by a management program, if a user application program is executing on the partitioned network cluster from the member node;
  - providing a proposed figure of merit from a management program to the user application program;
  - querying, by the management program, the user application program for the figure of merit;
  - assessing, by the user application program, merit criteria for the figure of merit, wherein assessing merit criteria including:

determining a number of users executing the user application program from the member node; and  
 determining an execution priority of the user application program;  
 determining an alternate figure of merit derived by assessing the merit criteria;  
 selecting, by the user application program, between the proposed figure of merit and the alternate figure of merit; and  
 returning the figure of merit from the user application program to the management program.

20. (Amended) A method for resolving a partitioned computer network cluster including multiple cluster partitions, the method comprising:
- evaluating a partition figure of merit for each cluster partition including:
    - determining, by a cluster manager, that a user application program is executing on the cluster partition from a member node;
    - providing, from the cluster manager a proposed node figure of merit to the user application program;
    - requesting, from the user application program, a node figure of merit, indicating a value to the user application program for the member node, on which the application is executing, to continue operation;
    - assessing, by the user application program, merit criteria for the member node, wherein assessing merit criteria including:
      - determining a number of users executing the user application program from the member node; and
      - determining an execution priority of the user application program;
    - determining, by the user application program, an alternate node figure of merit derived by assessing the merit criteria for the member node;
    - selecting between the proposed node figure of merit and the alternate node figure of merit;
    - providing, from the user application program, the requested node figure of merit; and
    - evaluating the provided node figure of merit to determine the partition figure of merit;